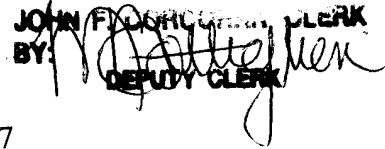


FEB 12 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

JOHN F. LORCH, CLERK
BY:  DEPUTY CLERK

STEPHEN D. ANDRUSIA,

Plaintiff,

v.

PRUDENTIAL INSURANCE COMPANY
OF AMERICA,

Defendant.

CASE NO. 3:08CV00037

REPORT AND RECOMMENDATION

By: B. WAUGH CRIGLER
U.S. MAGISTRATE JUDGE

This action is before the undersigned in accordance with a January 28, 2009 Order directing the undersigned to evaluate plaintiff's January 23, 2009 motion to remand and submit proposed findings of fact and recommendations for the disposition of the motion. The undersigned having been informed that the case has settled, it hereby is RECOMMENDED that an Order enter DISMISSING as moot plaintiff's January 23, 2009 motion to remand.

The Clerk of the Court hereby is directed to send a certified copy of this Report and Recommendation to all counsel of record.

ENTERED:


United States Magistrate Judge

2-12-2009
Date